

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: LEGISLATIVE & RULES

DATE: JUNE 25, 2009

COMMITTEE MEMBERS PRESENT:

SUPERVISORS BENTLEY
THOMAS
STEC
SIMMES
SOKOL
PITKIN

OTHERS PRESENT:

AMY BARTLETT, FIRST ASSISTANT COUNTY ATTORNEY
JOANN MCKINSTRY, DEPUTY COMMISSIONER OF
ADMINISTRATIVE & FISCAL SERVICES
NICOLE LIVINGSTON, DEPUTY CLERK OF THE BOARD
SUPERVISORS STRAINER
TAYLOR
MIKE SWAN, DIRECTOR OF REAL PROPERTY TAX SERVICES
JONATHAN ALEXANDER, *THE ADIRONDACK JOURNAL*
AMANDA ALLEN, SR. LEGISLATIVE OFFICE SPECIALIST

COMMITTEE MEMBER ABSENT:

SUPERVISOR GIRARD

Mr. Bentley called the meeting of the Legislative & Rules Committee to order at 11:07 a.m.

Motion was made by Mr. Sokol, seconded by Mr. Stec and carried unanimously to approve the minutes from the April 23, 2007 Committee meeting, subject to correction by the Clerk of the Board.

Copies of the Legislative & Rules agenda were distributed to the Committee members, a copy of which is on file with the minutes.

Mr. Bentley announced that Agenda Item 1 referred to a request for support of legislation proposed by the Committee for an Independent Public Defense Commission entitled the "Public Defense Act of 2009", and he noted that a copy of the proposed legislation was included in the agenda packet.

Amy Bartlett, First Assistant County Attorney, apprised that the legislation proposed would change the process used in providing public defense for indigents by removing the responsibilities from the County and placing them with the State. She noted that although there would still be some cost to the County for these services, the total would be far less than was being expended currently as the County would save on salaries and benefits. Ms. Bartlett stated that over the past years the County had been trying to work with the Public Defender's Office to contain costs and determine a fixed amount for annual budgetary purposes; she added that if the measures entailed in the proposed legislation were implemented, the fixed amounts sought would be realized. In closing, Ms. Bartlett said she recommended that the County act in support of the "Public Defense Act of 2009" as presented by the Committee for an Independent Public Defense Commission.

Motion was made by Mr. Sokol and seconded by Mr. Thomas to approve a resolution supporting the "Public Defense Act of 2009" as proposed by the Committee for an Independent Public Defense Commission.

Mr. Pitkin questioned whether these actions would be futile in light of the currently dysfunctional State Senate and Ms. Bartlett replied that the legislation was not likely to be passed until 2010, subsequent to which a three year transition period would be required. She added that by the time the legislation was presented for enactment the current Senate issues should be resolved.

Mr. Bentley called the question and the motion was carried unanimously to approve a resolution supporting

the "Public Defense Act of 2009" as proposed by the Committee for an Independent Public Defense Commission, thereby authorizing the necessary resolution for the July 17th Board meeting.

Continuing, Mr. Bentley announced that Agenda Item 2 consisted of a request from the City of Saratoga Springs seeking Warren County's support for the prompt resolution of VLT (Video Lottery Terminal) operations at Aqueduct Racetrack. He noted that the agenda included a copy of the City of Saratoga Springs Resolution No. 09-105 which pertained to this issue.

Motion was made by Mrs. Simmes, seconded by Mr. Sokol and carried by majority vote to approve a resolution supporting the prompt resolution of VLT operations at Aqueduct Racetrack, with Mr. Pitkin abstaining, and the necessary resolution was authorized for the July 17th Board meeting.

Mr. Pitkin apprised that he had abstained from the vote because his son worked for the New York State Racing and Gaming Commission.

Mr. Bentley stated that Agenda Item 3 referred to a request from Madison County resident Beth Gorton asking that Warren County consider adopting a resolution in support of the Federal Milk Marketing Improvement Act of 2007, Senate Bill S.1722, a copy of which was included in the agenda. Ms. Bartlett noted that a copy of the sample resolution forwarded by Ms. Gorton was also included.

Mrs. Simmes advised that subsequent to her brief review of the letter and attached information provided by Ms. Gorton, it appeared that the Federal Milk Marketing Improvement Act of 2007 would increase the amount paid to dairy farmers for milk to a level commensurate with production costs.

Motion was made by Mrs. Simmes, seconded by Mr. Thomas and carried unanimously to approve a resolution supporting the Federal Milk Marketing Improvement Act of 2007 and the necessary resolution was authorized for the July 17th Board meeting.

Mr. Bentley apprised that at the Public Safety Committee meeting held earlier that morning, discussion had been held with respect to the 911 Surcharge fees which were being retained by the State of New York rather than being distributed to the Counties as was intended by law and he suggested that a letter be drafted by the Chairman of the Board requesting that the 911 Surcharge fees be distributed to the Counties as they were meant to be. Ms. Bartlett advised that it was her understanding a resolution to this effect had been previously adopted by the Board of Supervisors and she would research the matter further to confirm this. Mr. Pitkin suggested that a letter be drafted by the Chairman of the Board which stated that if the State of New York did not intend to forward the full amount of the 911 Surcharge fees that they at least forward an amount sufficient to fund the amount incurred by the Counties for the operation of the 911 Centers.

Motion was made by Mr. Pitkin, seconded by Mr. Thomas and carried unanimously to authorize the Chairman of the Board to draft a letter to the State requesting that they forward sufficient 911 Surcharge funds to cover the costs of operation for the 911 Center, which had been roughly estimated to be \$1.5 million annually.

Resuming the agenda review, Mr. Bentley advised that Item 4 pertained to a referral from the Finance Committee regarding the ability for the County to enter into design/build options for various projects. Ms.

Bartlett noted that the County Attorney's Office had recently researched this matter and determined that the County was very limited in their project options due to the restraints imposed by the State mandated design/build options. Mr. Stec interjected that it was the hope of the Finance Committee members that the Legislative Committee would take official action to request that the State relax the requirements imposed with respect to design/build options to allow municipalities increased flexibility in this area.

Motion was made by Mr. Stec, seconded by Mr. Pitkin and carried unanimously in support of a resolution requesting that the State revise its design/build options to allow municipalities more flexibility in this area and the necessary resolution was authorized for the July 17th Board meeting.

Concluding the agenda review, Mr. Bentley presented Item 5 which pertained to a second referral from the Finance Committee regarding discussion on the issue of tax payment refunds for tax exempt properties and he noted that the portion of the May 6, 2009 Finance Committee minutes which outlined the referral were included in the agenda.

Mr. Stec said that he believed the issue had been referred to the Legislative Committee due to the number of tax exempt properties owned by one group but said that he did not recall if this was the only issue discussed. He suggested that the matter be referred back to the Finance Committee for further discussion. Mrs. Simmes questioned why this would be a matter to be addressed by the Legislative Committee and Mr. Pitkin replied that it was his understanding that the Finance Committee had been seeking legislative action which would limit the number of tax exempt properties that could be claimed by one group.

Mike Swan, Director of Real Property Tax Services, was summoned to the meeting to provide further information on the item.

While awaiting Mr. Swan's arrival, a brief discussion ensued with respect to the current dysfunctional state of the New York State Senate.

Motion was made by Mr. Pitkin, seconded by Mr. Bentley and carried unanimously to authorize the Chairman of the Board of Supervisors to send a letter urging the New York State Senate to rectify the current situation and work together to resume business in the best interest of the people of the State of New York.

Mr. Swan entered the meeting at 11:24 a.m.

Mr. Swan apprised that the issue pertained to several properties owned by the Word of Life group in the Town of Chester which the Town had determined were taxable. He said that the Word of Life had paid \$96,171.43 in property taxes and had then sued the Town of Chester to recoup the funds paid and had won the lawsuit based on the fact that they were a tax exempt entity; therefore, he added, a refund of the taxes paid was required. Mr. Bentley interjected that the issue with the repayment was that the Town of Chester had made a deal with the Word of Life group which allowed them to make payment in lieu of taxes which meant that the County lost the tax revenues. Mr. Swan said that in this instance, and in others like it, the County was not involved in the negotiation process but was still affected by lost tax revenues and he said he thought the purpose of the referral to the Legislative Committee was to seek out action that would

involve the County in the process and avoid a loss of revenues in the future.

Ms. Bartlett said that if the Committee was seeking possible legislation in regard to this matter she would research the avenues available for presentation at a future Committee meeting.

Motion was made by Mr. Pitkin, seconded by Mr. Stec and carried unanimously to table the issue pending the receipt of further information to be presented by Ms. Bartlett at a future Committee meeting.

As there was no further business to come before the Legislative & Rules Committee, on motion made by Mr. Stec and seconded by Mrs. Simmes, Mr. Bentely adjourned the Committee meeting at 11:27 a.m.

Respectfully submitted,
Amanda Allen, Sr. Legislative Office Specialist